

Scope of Representation (Collateral Misconduct)

1. I am (Rank) (Name). I am an attorney, and I have been detailed to represent you. I have been certified to represent Soldiers at special and general courts-martial. This form explains the scope of our attorney-client relationship and client confidentiality after the end of the relationship.

2. I understand that you have reported that you are the victim of an offense and another Soldier was the perpetrator. I understand that it may be possible that your conduct may expose you to criminal liability. I am happy to discuss your situation with you, but first you must understand the scope of my representation. The scope of my representation will depend on what action, if any, the command initiates against you.

3. No action: If the command has not initiated or expressed its intent to initiate an adverse action against you at the time the court-martial proceedings against the Soldier you have accused of misconduct ends, our attorney-client relationship will terminate. The court-martial proceedings against the Soldier end when charges are dismissed or disposed of without trial, the court-martial finds him not guilty, or the Soldier is sentenced. If the command has not initiated or expressed its intent to initiate an adverse action against you at the time the command decides not to pursue court-martial charges against the Soldier, our attorney-client relationship will end.

4. Nonjudicial Punishment: If your chain-of-command initiates nonjudicial proceedings against you, our attorney-client relationship will be terminated at the end of the nonjudicial punishment process or when I leave the Trial Defense Service (TDS), whichever happens first. If I leave TDS before the end of the nonjudicial punishment process, you will be assigned another attorney, if necessary. If the government takes UCMJ or adverse administrative action against you in the future for this or any other misconduct you may be accused of, I may, or may not, be the attorney assigned to represent you.

5. Adverse Administrative Action: If your chain-of-command initiates administrative separation proceedings against you, our attorney-client relationship will be terminated when the separation process is complete, to include any appeals, or when I leave the TDS, whichever happens first. If I leave TDS prior to the completion of the separation action process, another attorney will be assigned to represent you, if necessary.

6. Preferral of charges: If your chain-of-command initiates court-martial proceeding against you, I expect I will represent you during all phases of the court-martial process, including pre-trial proceedings, trial, and post-trial processing. Our attorney-client relationship will terminate when the convening authority takes initial action if your case will not be reviewed by our appellate courts, or when you are assigned appellate defense counsel if your case will be reviewed by our appellate courts.

Additionally, certain things could happen before initial action that will terminate our attorney-client relationship before the convening authority takes initial action. Some of them are:

- a. Charges are disposed of before initial action;
- b. I am reassigned outside TDS, demobilize or otherwise leave active duty before the completion of the case;
- c. You release me from representing you;

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- d. A conflict of interest develops; or
- e. You make a request for individual military counsel and it is approved.

If you are completely acquitted of all charges and specifications, our attorney-client relationship will end when you receive your copy of the record of trial.

7. After our attorney-client relationship is terminated, I will continue to have a duty to keep confidential the information I have learned during my representation of you.

NAME
RANK, JA
Defense Counsel

I understand and agree with the scope of representation described in this form.

NAME
RANK, USA